

RECEIVED
CENTRAL FAX CENTER

Attorney Docket No.: IN0931XXK

Application No.: 09/837,491

Filing Date: 04/18/2001

First Named Inventor: Ganguly, et al

Examiner: Patrick T. Lewis
Group Art: 1623MAR 04 2004
OFFICIAL

PTO/SB/07 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

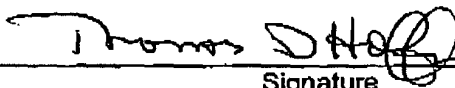
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No.)703-872-9306

on March 4, 2004

Date



Signature

THOMAS D. HOFFMAN

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Document(s) being transmitted:

- 1) Return Post Card dated stamped by PTO Mail Room on December 23, 2003
- 2) A Copy of the Terminal Disclaimer to obviate a Double Patent Rejection over Prior Patent, namely commonly owned US Patent NO. 6, 277,830 B1

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

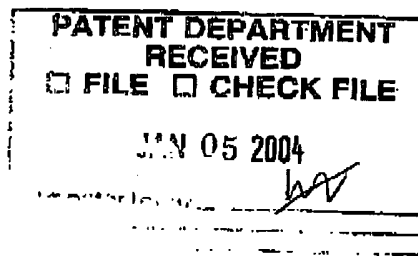
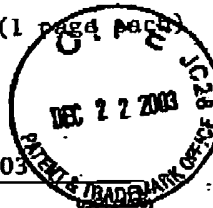
RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: GANGULY, et al
Serial No.: 09/837,491 Atty.: TDH/ahl
Filed: 04/18/2001 Case No.: IN0931XK
For: RIBAVIRIN-INTERFERON ALFA COMBINATION
Enclosed: THERAPY...

- ☒ Certificate of Mailing PTO/SB/92 (1 page)
☒ Response Transmittal Form (PTO/SB/21) (1 page)
☒ Fee Transmittal (PTO/SB/17) In Duplicate
☐ Response To Notice to File Missing Parts (____ pages)
☐ Copy of Notice to File Missing Parts
☐ Declaration/Power of Attorney (Exec./Unexec./Copy) (____ pages)
☐ Sequence Listing (____ pages)
☐ Sequence Listing Statement (____ pages)
☐ Sequence Listing Diskette
☒ Amendment or Response (11 pages) w. Attachment
☒ Petition for Extension of Time (PTO/SB/22) (2 Months)
(____ Duplicate)
☐ Information Disclosure Statement (____ pages)
☐ Form PTO 1449 (____ pages) (____ documents)
☐ Issue Fee Transmittal (Part B) In Duplicate
☐ Assignment Recordation (PTO-1595) (1 page) In Duplicate
☐ Recordation Form Cover Sheet Continuation (____ pages)
☐ Assignment Document (____ pages)
☒ Charge to Deposit Account No. 19-0365
in the amount of \$ 640.00
☒ Terminal Disclaimers (2) (1 page)

☐
☐
☐
☐

Date Mailed: December 18, 2003



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

IN0931XX

In re Application of: A.K. GANGULY, et al

Application No.: 09/837,491

Filed: 04/18/2001

For: RIBAVIRIN-INTERFERON ALPHA COMBINATION THERAPY FOR ERADICATING DETECTABLE HCV-RNA IN PATIENTS HAVING CHRONIC HEPATITIS C INFECTION

The owner, SCHERING CORP., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,277,830 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature

12/18/2003

Date

THOMAS D. HOFFMAN

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.